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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 INTEL CORPORATION and APPLE INC.,

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11 Plaintiffs,

12 v.

13 FORTRESS INVESTMENT GROUP LLC,
14 FORTRESS CREDIT CO. LLC, UNILOC
15 2017 LLC, UNILOC USA, INC., UNILOC
16 LUXEMBOURG S.A.R.L., VLSI
17 TECHNOLOGY LLC, INVT SPE LLC,
18 INVENTERGY GLOBAL, INC., IXI IP, LLC,
19 and SEVEN NETWORKS, LLC,

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Defendants.

Case No. 3:19-cv-07651-EMC

**STIPULATION AND ~~PROPOSED~~
ORDER] ENLARGING TIME FOR
APPLE AND INTEL TO FILE A
SECOND AMENDED COMPLAINT**

Pursuant to Civil Local Rule 6-2 and 7-12, plaintiffs Intel Corporation and Apple Inc. (collectively, “Plaintiffs”) and defendants Fortress Investment Group LLC, Fortress Credit Co. LLC, Uniloc 2017 LLC, Uniloc USA, Inc., Uniloc Luxembourg S.a.r.l., VLSI Technology LLC, Inventergy Global, Inc., INVT SPE LLC, IXI IP, LLC, and Seven Networks, LLC (collectively, “Defendants”) by and through their undersigned counsel hereby stipulate as follows:

WHEREAS, on January 6, 2021, the Court entered an Order dismissing the amended complaint (“Order”) and stating that “Plaintiffs shall have 30 days to file a second amended complaint.” Dkt. No. 230 at 29.

WHEREAS, since the Court issued its Order, Apple and Intel have sought relief from the protective orders entered in five underlying infringement suits, and expects it may also do so in one other case this week or early next week, in order to obtain further evidence to incorporate into their second amended complaint.

WHEREAS, Defendants oppose these motions and contend that Plaintiffs’ requests from relief from the protective orders in the underlying infringement suits are improper.

WHEREAS, on January 22, Intel (1) filed a motion for relief in *VLSI Technology, LLC v. Intel Corporation*, 5:17-cv-05671-BLF (N.D. Cal.), Dkt. No. 292, (2) filed a joint letter requesting a teleconference in *VLSI Technology, LLC v. Intel Corporation*, C.A. No. 18-966-CFC-CJB (D. Del.), Dkt. No. 678, and (3) emailed the court to request a teleconference in *VLSI Technology, LLC v. Intel Corporation*, Case No. 1:19-CV-977-ADA (W.D. Tex.).

WHEREAS, VLSI’s opposition in *VLSI Technology, LLC v. Intel Corporation*, 5:17-cv-05671-BLF (N.D. Cal.), was filed on January 26 and Intel’s motion remains pending. *VLSI Technology, LLC v. Intel Corporation*, 5:17-cv-05671-BLF (N.D. Cal.), Dkt. No. 294.

WHEREAS, the court has set a hearing in *VLSI Technology, LLC v. Intel Corporation*, C.A. No. 18-966-CFC-CJB (D. Del.), for February 1, 2021. *VLSI Technology, LLC v. Intel Corporation*, C.A. No. 18-966-CFC-CJB (D. Del.), Dkt. No. 681.

WHEREAS, the court has stated it will set a teleconference in *VLSI Technology, LLC v. Intel Corporation*, Case No. 1:19-CV-977-ADA (W.D. Tex.), for February 1, 2021.

WHEREAS, on January 25, Apple filed a motion for relief in *Uniloc 2017 LLC v. Apple Inc.*, 3:19-cv-01905-JD (N.D. Cal.), Dkt. No. 168. Apple's motion remains pending.

WHEREAS, on January 28, Apple filed a motion for relief in *Uniloc 2017 LLC v. Apple Inc.*, 5:19-cv-01929-EJD (N.D. Cal.), Dkt. No. 105. Apple's motion remains pending.

WHEREAS, Apple may file an additional motion for relief this week or early next week.

WHEREAS, the parties have agreed, subject to Court approval, that Apple and Intel may have a 31-day extension of time to March 8, 2021 to file a second amended complaint.

WHEREAS, this extension of time will allow the courts time to rule on Intel and Apple's pending and forthcoming motions for relief.

WHEREAS, this Court has granted five prior stipulations by the parties to extend time:

- On December 5, 2019, the Court granted a stipulation to extend the time for Defendants to file a declaration supporting Plaintiffs' motion to seal the original complaint from November 25, 2019 to December 6, 2019. *See* Dkt. No. 43.
- On December 13, 2019, the Court granted a stipulation to extend the time for Defendants to respond to the original complaint from December 16, 2019 to February 4, 2020 and extended the corresponding briefing schedule on Defendants' motion to dismiss. *See* Dkt. No. 75.
- On March 31, 2020, the Court granted a stipulation to extend the time for Defendants to file a reply in support of their motions to dismiss, strike, and/or stay the action from April 6, 2020 to April 13, 2020. *See* Dkt. No. 161.
- On August 12, 2020, the Court granted a stipulation to extend the time for Defendants to respond to the amended complaint from August 25, 2020 to September 15, 2020 and extended the corresponding briefing schedule on Defendants' motion to dismiss. *See* Dkt. No. 196.
- On August 28, 2020, the Court granted a stipulation to continue the Case Management Conference from September 17, 2020 to December 17, 2020. *See* Dkt. No. 199.

WHEREAS, there are no pending deadlines in this case other than the deadline to file a second amended complaint. Therefore, the requested time modification would not affect the case schedule other than the deadline to file a second amended complaint.

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties, subject to the
2 Court's approval:

3 1. Plaintiffs may have until March 8, 2021 to file a second amended complaint.

4 IT IS SO STIPULATED.

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6 DATED: January 29, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

On this 29th day of January 2021, I hereby certify that I caused the foregoing document entitled Intel Corporation and Apple Inc.'s Administrative Motion to File Amended Complaint Under Seal to be filed via the court's CM/ECF system, which shall send notice to the counsel of record for the parties.

DATED: January 29, 2021

Respectfully submitted,

By: /s/ Mark D. Selwyn

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Attorney for Plaintiffs
INTEL CORPORATION and APPLE INC.

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

DATED: February 1, 2021



The Honorable Edward M. Chen
United States District Judge